

SB 1251 (EVANS)

AQUATIC INVASIVE SPECIES WORKING GROUP

THE GOAL

To convene a Working Group on Aquatic Invasive Species (AIS) involving multiple agencies and stakeholders and have the AIS Working Group report to the Legislature its recommendations to streamline response to AIS, develop statewide priorities, and improve coordination between agencies. A priority of the Working Group is to reach consensus on identifying a sufficient and reliable revenue stream to combat AIS.

BACKGROUND

Aquatic Invasive Species (AIS) have significant negative impacts on native species and habitats and can upset the ecological balance of water bodies. AIS threaten California's water supply infrastructure, disturb agricultural activities, and can severely limit recreation and commercial activities on water bodies. AIS spread prolifically by several vectors including ballast water from transoceanic vessels, floating debris, and piped water.

AIS are an expensive problem. In 2006-07 the Department of Fish and Game alone spent about \$39 million on AIS, cobbled together from various funding sources. Funding issues for invasive species programs will only grow given the rapid rate that AIS are introduced and multiply.

Given the environmental and economic threats posed by AIS, California needs a comprehensive approach for the prevention and management that includes coordination and collaboration between state, federal and local agencies as well as user groups, education and outreach, early detection and monitoring, rapid response and new methods of control.

Current law is piecemealed across 6 California law codes and 11 agencies, including the Department of Food and Agriculture, the State Water Resources Control Board, and the State Lands Commission, although the Department of Fish and Game has generally been seen as the lead agency. Many of the statutes are species-specific or don't address the entirety of the problem.

There are gaps in policy and overlap among agencies that leave vast room for improvement.

Aquatic Invasive Species put California's environment and economy in jeopardy, and run the risk of costing billions to our already indebted state. It is necessary to have a proactive strategy and reliable funding for preventing and managing AIS before they become an even more costly problem.

The Resources Agency and the Department of Fish and Game recognized the need for a more comprehensive statewide approach with the release of the California Aquatic Species Management Plan in 2008. One recommendation of the Plan is to establish an Aquatic Invasive Species Working Group that would address the status of aquatic invasive species, control efforts, and funding opportunities. It would also create criteria for setting priorities, while reducing redundancies in state agencies.

THIS BILL

- Establishes an AIS Working Group made up of appropriate state and local agencies involved in AIS control, stakeholders (including recreational boaters, marina operators, counties and aquarium businesses) and scientific advisors.
- The Working Group would recommend ways to strengthen leadership and coordination, end duplication and set priorities. Importantly it would be tasked with reaching an agreement on reliable sources of AIS funding.
- The Working Group and OPC would report their findings and recommendations to the Legislature and public agencies by Jan. 2014.
- The Working Group would be funded by a grant from the OPC and the Wildlife Conservation Board.

PREVIOUS STATUTES AND LEGISLATION

California Environmental Quality Act, (CA Public Resources Code §§21000 et seq). Has been interpreted to require documentation of adverse impacts of an invasive species resulting from a project.

California Porter Cologne Water Quality Control Act (CA Water Code §§ 1300 et seq.) Specifies AIS as a regulated water pollutant.

Fish and Game Code and Title 14 of the California Code of Regulations

F&G Code §§ 2080-2089 – Should be consulted if AIS control impacts state listed species.

F&G Code §§ 2118, 2270-2300 –Places import restrictions on aquatic plants and animals.

F&G Code §§ 6400-6403 – Unlawful to place live fish or aquatic plants in any waters of the state without a permit.

F&G Code §§ 15000 et seq: DFG is responsible for aquaculture regulations.

Harbors and Navigation Code, Article 2, Section 64 – authorizes the Department of Boating and Waterways to manage aquatic weeds affecting navigation and use of the state's waterways.

Ballast Management for Control of Nonindigenous Species Act (AB 703) of 1999 – First act giving State Lands Commission oversight of prevention of nonindigenous species spread through discharge of ballast water from commercial ships over 300 tons. Requires a baseline survey of the state's ports, harbors and bays.

Marine Invasive Species Act (AB 433) of 2003 – Revises and recasts AB 703.

Imposes additional requirements on vessels to prevent introduction of invasive species and deletes some previous exemptions; sets geographical restrictions on discharges, requires SLC to develop action reports and DFG to conduct a series of biological surveys to assess effectiveness of management provisions of the act.

Coastal Ecosystems Protection of 2006- Requires the SLC to adopt regulations to require vessels carrying ballast water to implement performance standards for the discharge of ballast water.

Delta Protection Act – Requires a Land Use and Resource Management Plan for the delta which is incorporated into local General Plans Some of the Management Plan's provisions deal with AIS.

AB 1683 (Wolk, 05-06) – Chaptered.

Prohibited and prescribed penalties for the placement or transportation of dreissenid mussels and authorized inspections by the Department of Fish and Game.

AB 740 (Laird, 07-08) – Chaptered.

Expands marine invasive species program administered by the State Lands Commission by requiring specified inwater cleaning and record keeping for vessels that visit a California port or place, and requires them to develop regulations governing the management of hull fouling on vessels .

AB 2065 (Hancock, 07-08) – Chaptered.

Requires anyone that owns and manages a reservoir where recreational boating or fishing activities are permitted to assess the vulnerability of the reservoir to non-native mussels and develop and implement a program designed to prevent the introduction of them

SB 215 (Huff, 11-12) – Chaptered.

Extends the repeal date on existing laws relating to dreissenid mussels for five years to January 1, 2017.

AB 1540 (Buchanan, 11-12) – Introduced.

Designates the Department of Boating and Waterways as the lead agency in cooperating with other agencies in controlling the South American Sponge Plant.

SUPPORT

None received

OPPOSITION

None received

FOR MORE INFORMATION

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